

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: January 18, 2005, Signature: Carla Rivera
(Carla Rivera)

Docket No.: 47309-00031USP1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Application of:

Peter Van Voris et al.

Application No.: 10/005804

Art Unit: 1616

Filed: December 3, 2001

Examiner: Neil S. Levy

For: BARRIER PREVENTING WOOD PEST
ACCESS TO WOODEN STRUCTURES

**FIFTH INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR. §§ 1.97 and 1.98**

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR §§ 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO-1449. It is respectfully requested that the information be expressly considered during the prosecution of this application and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

In accordance with 37 CFR § 1.98(d), any necessary copies are enclosed. However, in accordance with the October 12, 2004 OG Notice, copies of U.S. patents and U.S. published application references are no longer required and, thus, are not enclosed.

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CHICAGO 302155v1 47309-00031USP1

The Applicants would like to make the Examiner aware of the following applications that are being pursued by the assignee of the present application:

Application Serial No.	Filing Date	Status
09/030,690	February 25, 1998	Issued/U.S. Patent No. 5,985,304
09/353,494	July 13, 1999	Issued/U.S. Patent No. 6,803,051
10/884,297	July 2, 2004	Pending
10/889,706	July 13, 2004	Pending

In accordance with CFR § 1.98(a)(2)(iii), copies of all the above-referenced unpublished pending U.S. applications together with their corresponding claims are enclosed. In addition, copies of the above-referenced U.S. Patent Nos. 5,985,304 and 6,803,051 are enclosed.

In accordance with 37 CFR § 1.97(g), the filing of this Fifth Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR § 1.56(a) exists. In accordance with 37 CFR § 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that any patent, publication or other information referred to therein is or is considered to be "prior art" with respect to the present application or material to patentability as defined in 37 CFR § 1.56.

It is submitted that this Information Disclosure Statement is in compliance with 37 CFR § 1.98, and the Examiner is respectfully requested to consider the listed references.

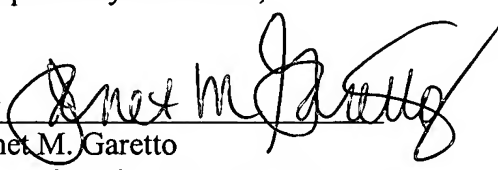
This Fifth Information Disclosure Statement is being submitted after the mailing of the first Office Action reflecting an examination on the merits but before the mailing of a Final Rejection or Notice of Allowance. Accordingly, in accordance with 37 CFR § 1.97(c), a fee of \$180 is included herewith. If this check is inadvertently not enclosed, or is in error in amount, the Commissioner is authorized to charge any deficiency deemed necessary (except payment of

the issue fee) or to credit any over payment to Jenkins & Gilchrist Account No. 10-0447/47309-00031USP1. A duplicate copy of this paper is enclosed.

Dated: January 18, 2005

Respectfully submitted,

By


Janet M. Garetto

Registration No.: 42,568

JENKENS & GILCHRIST, A PROFESSIONAL
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225 W. Washington, Ste. 2600

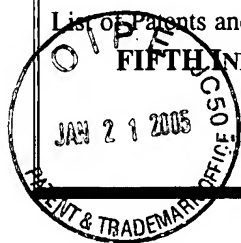
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Attorneys For Applicants

Form PTO-1449 (modified)	Atty. Docket No. 47309-00031USP1	Serial No. 10/005,804
List of Patents and Publications for Applicant's FIFTH INFORMATION DISCLOSURE STATEMENT	Applicant Peter Van Voris et al.	
	Filing Date: 12/03/01	Group: 1616

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U.S. Patent Documents							
Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date if App.
	M1	5,679,364	10/21/97	Levy			
	M2	5,698,210	12/16/97	Levy			
	M3	5,846,553	12/08/98	Levy			
	M4	5,858,384	01/12/99	Levy			
	M5	5,858,386	01/12/99	Levy			
	M6	5,885,602	03/23/99	Levy			
	M7	5,885,605	03/23/99	Levy			
	M8	5,902,596	05/11/99	Levy			
	M9	5,939,086	08/17/99	Levy			
	M10	6,001,382	12/14/99	Levy			
	M11	6,335,027	01/01/02	Levy			
	M12	6,337,078	01/08/02	Levy			
	M13	6,346,262	02/12/02	Levy			
	M14	6,350,461	02/26/02	Levy			
	M15	6,387,386	05/14/02	Levy			
	M16	6,391,328	05/21/02	Levy			
	M17	2002/0041892	04/11/02	Voris et al.			
Foreign Patent Documents							
Exam. Init.	Ref. Des.	Document Number	Date	Country	Class	Sub Class	Translation Yes/No
	N1	GB 1494814 A	12/14/77				Abstract
	N3	WO 96/28973	09/26/96	WO			
	N4	WO 96/40849	12/19/96	WO			
	N5	WO 02/43487	06/06/02	WO			

EXAMINER:	DATE CONSIDERED:
EXAMINER: INITIAL IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.	

INFORMATION DISCLOSURE STATEMENT — PTO-1449 (MODIFIED)

Form PTO-1449 (modified)	Atty. Docket No. 47309-00031USP1	Serial No. 10/005,804
List of Patents and Publications for Applicant's INFORMATION DISCLOSURE STATEMENT Page 2 of 2	Applicant Peter Van Voris et al.	
	Filing Date: 12/03/01	Group: 1616

Other Art (Including Author, Title, Date Pertinent Pages, Etc.)		
Exam. Init.	Ref. Des.	Citation
	O1	P. Van Voris et al., "Long-Term Controlled Release of Herbicides Root-Growth Inhibition", Chapter 18 from the American Chemical Society Symposium Series, pp. 222-240, 1988.
	O2	Eshel et al., Chem. Abst. vol. 77 (1972), 71309h.
	O3	Pajak et al., Chem. Abst., vol. 94 (1981) 133986p.
	O4	Termite Resistant Sheet for Moisture Permeable Building Material Obtained by Adding Anti-Termite Agent Into Laminated Sheet Obtained by Laminating Nonwoven Fabric or Woven Cloth onto Porous Polyolefin Sheet, 01058739/PN Mar. 6, 1989 (Abstract)

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